

FORM PTO-1390
(Rev 5-93)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

SALTER P47AUSP1

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (Rev. 10-1-97 C.F.R.1.5)

10/566305

INTERNATIONAL APPLICATION NO.

PCT/US2004/024291

INTERNATIONAL FILING DATE

July 27, 2004

PRIORITY DATE CLAIMED

July 28, 2003

TITLE OF INVENTION

RESPIRATORY THERAPY SYSTEM INCLUDING A NASAL CANNULA ASSEMBLY

APPLICANT(S) FOR DO/EO/US

James M. DAVENPORT, James N. CURTI, Barry CRANDALL and Peter W. SALTER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
 4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau. (PCT/IB/308 mailed **February 10, 2005**)
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
 6. ☒ The International Application, with paragraph numbering added thereto, is attached.
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An **Unsigned** oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern other document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98 with PTO/SB/08a/08b.
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A **FIRST** preliminary amendment.
 ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 14. ☒ A substitute specification w/Marked-Up Version of Amended Specification.
 15. ☐ A change of power of attorney and/or address letter.
 16. ☒ Other items or information:

<input type="checkbox"/> Preliminary Examination Report <input type="checkbox"/> Annexes to Pre. Ex. Rep. <input type="checkbox"/> International Search Report <input type="checkbox"/> German Novelty Search Report <input type="checkbox"/> ___ copies of citations <input checked="" type="checkbox"/> Form PCT/IB/308 <input checked="" type="checkbox"/> International Publ. No. WO 2005/011556 (Face page only)	<input checked="" type="checkbox"/> Copy of Request <input checked="" type="checkbox"/> Submission of Formal Drawings <input checked="" type="checkbox"/> <u>16</u> sheets of formal drawings <input checked="" type="checkbox"/> Abstract <input type="checkbox"/> Applicant Claims Small Entity Status <input type="checkbox"/> Copy of Notification of File Missing Parts <input type="checkbox"/> German Language Specification
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CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Transmittal Letter and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date **January 27, 2006** in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number **EV 681474637 US** addressed to the: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Michael J. Bujold

(typed or printed name of person mailing paper)

(signature of person mailing paper)

17. ■ The following fees are submitted:				CALCULATIONS	PTO USE ONLY
Basic National Fee (37 CFR 1.492(a)(5): Search Report has been prepared by the EPO or JPO \$1000.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(1) .. \$750.00 No international preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(2) but international search fee paid to USPTO (37 CFR 1.445(a)(2)). \$790.00 Neither international preliminary examination fee (37 CFR 1.492)(a)(3) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1,110.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)(a)(4) and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =				1000	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				0	
Claims	Number Filed	Number Extra	Rate		
Total Claims	43-20 =	23	x \$ 50.00	1150	
Independent Claims	6-3 =	3	x \$200.00	600	
Multiple dependent claim(s) (if applicable)			+ \$360.00	0	
TOTAL OF ABOVE CALCULATIONS =				2750	
Reduction by 1/2 for filing by small entity, if applicable. Applicant Claims Small Entity Status. (Note 37 CFR 1.9, 1.27, 1.28).				0	
SUBTOTAL =				2750	
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				0	
TOTAL NATIONAL FEE =				0	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				0	
TOTAL FEES ENCLOSED =				2750	
				Amount to be: refunded	\$
				charged	\$
a. ■ A check in the amount of \$ <u>2750</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. <u>04-0213</u> in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. ■ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>04-0213</u> . A duplicate copy of this sheet is enclosed. NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. SEND ALL CORRESPONDENCE TO: <u>Michael J. Bujold -- Registration No. 32,018</u> CUSTOMER NO. 020210 Davis & Bujold, P.L.L.C. Fourth Floor 500 North Commercial Street Manchester, NH 03101-1151 Telephone (603) 624-9220 Telefax (603) 624-9229					

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : James M. DAVENPORT, James N. CURTI, Barry
CRANDALL and Peter W. SALTER
Serial no. :
Filed : with an effective filing date of July 27, 2004
For : RESPIRATORY THERAPY SYSTEM
INCLUDING A NASAL CANNULA ASSEMBLY
Group Art Unit :
Examiner :
Docket : SALTER P47AUSP1

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Enclosed please find sixteen (16) sheets of new formal drawings which are to be entered in this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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